

**232.3A Authority relating to action to overcome paternity in a child in need of assistance or termination of parental rights proceeding.**

1. During an action under [subchapter III](#), child in need of assistance proceedings, or [subchapter IV](#), termination of parent-child relationship proceedings of [this chapter](#), the court may on its own motion or that of any party, require the child and established father of the child to submit to blood or genetic testing in accordance with the procedures and method prescribed under [section 600B.41](#) to overcome the paternity of the established father.

2. The juvenile court may enter an order overcoming paternity of an established father pursuant to [section 600B.41A](#) if all of the following conditions are met:

a. The child has been adjudicated a child in need of assistance in an active juvenile court case and a dispositional order in that case is in place.

b. Paternity of the child has been legally established, including by one of the methods enumerated in [section 252A.3](#), [subsection 10](#), or by operation of law due to the established father's marriage to the mother at the time of conception, birth, or at any time during the period between conception and the birth of the child.

c. Pursuant to [section 600B.41](#), the conclusion of the expert as disclosed by the evidence based upon blood or genetic testing demonstrates that the established father is not the biological father of the child.

d. The established father agrees that the established father's paternity should be overcome or the established father objects to having his paternity overcome but the court finds that it is in the best interest of the child to overcome the established father's paternity.

3. When the criteria specified in [subsection 2](#) are met, the juvenile court shall enter an order overcoming paternity, and shall send a copy of the order to the clerk of the district court. The juvenile court shall designate the petitioner and respondent for the purposes of the order.

4. Upon receipt of the order by the district court, the clerk of the district court shall docket the case. Filing fees and other court costs shall not be assessed against the parties.

5. The district court shall take judicial notice of the juvenile file in any hearing related to the case. Records contained in the district court case file that were copied or transferred from the juvenile court file concerning the case shall be subject to [section 232.147](#) and other confidentiality provisions of [this chapter](#) for cases not involving juvenile delinquency, and shall be disclosed, upon request, to child support services without a court order.

6. If paternity testing is completed and the established father is not excluded as the biological father of the child, the juvenile court shall find the established father to be the biological father of the child and a necessary party to the action.

7. Nothing in [this section](#) shall be construed to require appointment of counsel for the parties in the district court action.

[2023 Acts, ch 19, §1358](#); [2023 Acts, ch 123, §2](#)

Referred to in [§232.2](#), [600B.41A](#), [602.6306](#)

NEW section